IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS No.180 OF 2006
IN
SUIT No. 3148 OF 2005

M/s. Aditya Enterprises ... Plaintiff

Vs.

Silver Land Developers,
Private Limited. ... Defendant

Mr. Ritesh H. Patel ... Applicant.

Ms. Rajani Iyer advocate i/b. Shantilal and Co.
for Applicant.

Mr.Uday Bobade advocate i/b. Desai Desai &
Company, for Plaintiff.

Mr. B. R. Vishwakarma advocate for defendant.

CORAM: S. J. VAZIFDAR, J.
DATE : FEBRUARY 27, 2006

P.C. :

. The Chamber Summons has been taken out by

the applicant to be impleaded a defendant.

2. It appears that the suit has been filed by the plaintiff in respect of the development agreement wherein the defendant is the developer. It further appears that consent terms have been entered into between plaintiff and the defendant whereby in accordance with the development

agreement an area of 30000 Sq. ft. is to be handed over to the plaintiff.

3. The applicant claims to have a right in respect of a part of this 30000 Sq. ft. pursuant to an alleged agreement entered into between the applicant and the plaintiff.

4. The plaintiff is dominus litus. There is no reason to depart from this rule in the facts and circumstances of the present case. Needless to add that no order of the Court or consent terms entered into between the plaintiff and the defendant can in any manner affect the rights of the applicant who is a stranger to the suit. However, the aplicant must file his own independent proceeding to establish his rights, if any, against the plaintiff.

5. In the circumstances, the Chamber Summons is dismissed.

[S.J. VAZIFDAR, J.]